

**FILED**IN CLERK'S OFFICE  
U.S. DISTRICT COURT, E.D.N.Y.

★ JUL 11 2005 ★

*[Handwritten signatures]***BROOKLYN OFFICE**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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THOMAS RUSSO AND ALEX GETTLER AS  
TRUSTEES OF THE BLASTERS, DRILLRUNNERS  
AND MINERS UNION LOCAL 29 WELFARE FUND,  
LOCAL 29 PENSION FUND, LOCAL 29 ANNUITY  
FUND AND BLASTERS, DRILLRUNNERS AND  
MINERS UNION LOCAL 29, AFL-CIO,CIVIL ACTION NUMBER  
05 CV 0615 (FB)(CLP)

PLAINTIFFS,

-AGAINST-

JUDGMENT BY DEFAULTTULLY CONSTRUCTION CO., INC./GRACE  
INDUSTRIES, INC., A JOINT VENTURE,

DEFENDANTS.

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This action having been commenced on February 3, 2005 by the filing of the Summons and Complaint and a copy of the Summons and Complaint having been served upon the defendant Tully Construction Co., Inc./Grace Industries, Inc., a Joint Venture, on February 15, 2005 by service upon Elizabeth Rivera, and proof of service having been filed on or about February 29, 2005; and the defendant not having appeared in this matter; and the defendant having not answered the Complaint; and the time for appearing and answering the Complaint having expired; and the default of said defendant Tully Construction Co., Inc./Grace Industries, Inc., a Joint Venture in the premises of having been duly entered according to law; upon application of plaintiffs, judgment is hereby entered against said defendant pursuant to the prayer of said complaint.

WHEREFORE, by virtue of the law and by reason of the premises aforesaid, it is ORDERED, ADJUDGED AND DECREED, that defendant, its officers and agents have failed to remit contributions to the defendant each month as required by the collective bargaining agreement for the period October through December 2004 and the months of January and February 2005; and

ORDERED, ADJUDGED AND DECREED, that defendants, its officers and agents shall remit the full amount of contributions each month as required by the collective bargaining agreement; and, it is further

ORDERED, ADJUDGED AND DECREED, that the plaintiffs have judgment against the defendant Tully Construction Co., Inc./Grace Industries, Inc., a Joint Venture in the sum of \$33,142.39 constituting liquidated damages in the amount of \$27,478.99; attorney's fees in the amount of \$1,500.00; interest on unpaid contributions in the amount of \$4,013.40 and costs in the amount of \$150.00, amounting in all to \$33,142.39.

Dated: 6/23/05

\_\_\_\_\_  
United States District Judge

THIS JUDGMENT WAS DOCKETED ON  
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[jm\wpdocs05\L29\Judgments\TullyGraceDefault]